



Sen. James A. DeLeo

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09500SB1173sam003

LRB095 03912 DRH 36831 a

1 AMENDMENT TO SENATE BILL 1173

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1173, on page 1,  
3 immediately below line 3, by inserting the following:

4 "Section 3. The Illinois Procurement Code is amended by  
5 changing Section 53-30 as follows:

6 (30 ILCS 500/53-30)

7 Sec. 53-30. Illinois State Toll Highway Authority. The  
8 Illinois State Toll Highway Authority may enter into contracts,  
9 leases, licenses, or agreements under subsection (e) of Section  
10 11 of the Toll Highway Act for a term not to exceed 50 ~~25~~ years  
11 ~~that relate to the grant of concessions or the leasing of any~~  
12 ~~part of a toll highway for motor fuel service stations and~~  
13 ~~facilities, garages, stores, or restaurants.~~ Nothing in this  
14 Section shall be construed to apply to properties in which the  
15 Illinois State Toll Highway Authority is the lessee. Nothing in  
16 this Section shall be construed as giving the Authority the

1 power to enter into a sale or lease of the Authority or of all  
2 or substantially all of its assets.

3 (Source: P.A. 91-684, eff. 1-26-00.)"; and

4 on page 1, line 5, by replacing "Section 10" with "Sections 10  
5 and 11"; and

6 on page 10, below line 22, by inserting the following:

7 "(605 ILCS 10/11) (from Ch. 121, par. 100-11)

8 Sec. 11. The Authority shall have power:

9 (a) To enter upon lands, waters and premises in the State  
10 for the purpose of making surveys, soundings, drillings and  
11 examinations as may be necessary, expedient or convenient for  
12 the purposes of this Act, and such entry shall not be deemed to  
13 be a trespass, nor shall an entry for such purpose be deemed an  
14 entry under any condemnation proceedings which may be then  
15 pending; provided, however, that the Authority shall make  
16 reimbursement for any actual damage resulting to such lands,  
17 waters and premises as the result of such activities.

18 (b) To construct, maintain and operate stations for the  
19 collection of tolls or charges upon and along any toll  
20 highways.

21 (c) To provide for the collection of tolls and charges for  
22 the privilege of using the said toll highways. Before it adopts  
23 an increase in the rates for toll, the Authority shall hold a

1 public hearing at which any person may appear, express  
2 opinions, suggestions, or objections, or direct inquiries  
3 relating to the proposed increase. Any person may submit a  
4 written statement to the Authority at the hearing, whether  
5 appearing in person or not. The hearing shall be held in the  
6 county in which the proposed increase of the rates is to take  
7 place. The Authority shall give notice of the hearing by  
8 advertisement on 3 successive days at least 15 days prior to  
9 the date of the hearing in a daily newspaper of general  
10 circulation within the county within which the hearing is held.  
11 The notice shall state the date, time, and place of the  
12 hearing, shall contain a description of the proposed increase,  
13 and shall specify how interested persons may obtain copies of  
14 any reports, resolutions, or certificates describing the basis  
15 on which the proposed change, alteration, or modification was  
16 calculated. After consideration of any statements filed or oral  
17 opinions, suggestions, objections, or inquiries made at the  
18 hearing, the Authority may proceed to adopt the proposed  
19 increase of the rates for toll. No change or alteration in or  
20 modification of the rates for toll shall be effective unless at  
21 least 30 days prior to the effective date of such rates notice  
22 thereof shall be given to the public by publication in a  
23 newspaper of general circulation, and such notice, or notices,  
24 thereof shall be posted and publicly displayed at each and  
25 every toll station upon or along said toll highways.

26 (d) To construct, at the Authority's discretion, grade

1 separations at intersections with any railroads, waterways,  
2 street railways, streets, thoroughfares, public roads or  
3 highways intersected by the said toll highways, and to change  
4 and adjust the lines and grades thereof so as to accommodate  
5 the same to the design of such grade separation and to  
6 construct interchange improvements. The Authority is  
7 authorized to provide such grade separations or interchange  
8 improvements at its own cost or to enter into contracts or  
9 agreements with reference to division of cost therefor with any  
10 municipality or political subdivision of the State of Illinois,  
11 or with the Federal Government, or any agency thereof, or with  
12 any corporation, individual, firm, person or association.  
13 Where such structures have been built by the Authority and a  
14 local highway agency did not enter into an agreement to the  
15 contrary, the Authority shall maintain the entire structure,  
16 including the road surface, at the Authority's expense.

17 (e) To contract with and grant concessions to or lease or  
18 license to any person, partnership, firm, association or  
19 corporation so desiring the use of any part of any toll  
20 highways, excluding the paved portion thereof, but including  
21 the right of way adjoining, under, or over said paved portion  
22 for the placing of telephone, telegraph, electric, power lines  
23 and other utilities, and for the placing of pipe lines, and to  
24 enter into operating agreements with or to contract with and  
25 grant concessions to or to lease to any person, partnership,  
26 firm, association or corporation so desiring the use of any

1 part of the toll highways, excluding the paved portion thereof,  
2 but including the right of way adjoining, or over said paved  
3 portion for motor fuel service stations and facilities,  
4 garages, stores and restaurants, hotels, or for any other  
5 lawful purpose, and to fix the terms, conditions, rents, rates  
6 and charges for such use. Notwithstanding any law to the  
7 contrary, beginning on the effective date of this amendatory  
8 Act of the 95th General Assembly, the Authority shall have the  
9 power to enter into these concessions, licenses, or leases with  
10 terms of up to 50 years. Nothing in this Section shall be  
11 construed as giving the Authority the power to enter into a  
12 sale or lease of the Authority or of all or substantially all  
13 of its assets.

14 The Authority shall also have power to establish reasonable  
15 regulations for the installation, construction, maintenance,  
16 repair, renewal, relocation and removal of pipes, mains,  
17 conduits, cables, wires, towers, poles and other equipment and  
18 appliances (herein called public utilities) of any public  
19 utility as defined in the Public Utilities Act along, over or  
20 under any toll road project. Whenever the Authority shall  
21 determine that it is necessary that any such public utility  
22 facilities which now are located in, on, along, over or under  
23 any project or projects be relocated or removed entirely from  
24 any such project or projects, the public utility owning or  
25 operating such facilities shall relocate or remove the same in  
26 accordance with the order of the Authority. All costs and

1 expenses of such relocation or removal, including the cost of  
2 installing such facilities in a new location or locations, and  
3 the cost of any land or lands, or interest in land, or any  
4 other rights required to accomplish such relocation or removal  
5 shall be ascertained and paid by the Authority as a part of the  
6 cost of any such project or projects, and further, there shall  
7 be no rent, fee or other charge of any kind imposed upon the  
8 public utility owning or operating any facilities ordered  
9 relocated on the properties of the said Authority and the said  
10 Authority shall grant to the said public utility owning or  
11 operating said facilities and its successors and assigns the  
12 right to operate the same in the new location or locations for  
13 as long a period and upon the same terms and conditions as it  
14 had the right to maintain and operate such facilities in their  
15 former location or locations.

16 (f) To enter into an intergovernmental agreement or  
17 contract with a unit of local government or other public or  
18 private entity for the collection, enforcement, and  
19 administration of tolls, fees, revenue, and violations.

20 (g) To enter into an agreement involving the use of  
21 Authority assets for promotional purposes so long as the  
22 Authority finds that the agreement provides a benefit to the  
23 Authority or its customers.

24 (Source: P.A. 94-636, eff. 8-22-05.)".